

REMARKS

Reconsideration and allowance of the above-referenced application are respectfully requested.

I. STATUS OF THE CLAIMS

None of the claims are amended herein.

In view of the above, it is respectfully submitted that claims 1-28 are currently pending and under consideration.

II. REJECTION OF CLAIMS 1-3, 6, 9, 12, 16-20, AND 27 UNDER 35 U.S.C. § 103(A) AS BEING UNPATENTABLE OVER KAITE (US 6,016,046) IN VIEW OF SHIRAI ET AL. (US 5,550,452)

The present invention as recited in claim 1 relates to a charging system comprising “an elastic member elastically deformable when the robot physically contacts the charger being angled against a docking direction.”

Kaite teaches a battery pack, which comprises at least one rechargeable battery, a secondary coil which is magnetically coupled to a primary coil housed in a charging stand, and control circuit which controls power induced in the secondary coil and charges the rechargeable battery.

The Examiner agrees that Kaite does not teach the claimed elastic member as recited in claim 1.

Shirai teaches an induction charging apparatus. The Examiner asserts that the terminal member 78 of Shirai is “elastically deformable when the robot contacts the charger.”

Applicant’s respectfully disagree with the Examiner’s assertions because the terminal member 78 is not an elastic member. Shirai teaches that the terminal member 78 is merely a depressible member that is depressed down when the device unit 18 is coupled to the power source unit 12 (see column 3, lines 10-46 and FIGS. 1A and 1B). Nothing in the Shirai reference teaches or suggests that the terminal member is elastic.

It is further submitted that the terminal member 78 is not elastically deformable when unit 18 couples to the power source unit 12. As mentioned above, the terminal member 78 is merely depressed down when the device unit 18 is coupled to the power source unit 12. Shirai does not teach or suggest a system in which an **elastic member is elastically deformable when a robot physically contacts a charger being angled against a docking direction** (see claim 1). Contrary to the Examiner’s assertions, it would not have been obvious to a person of ordinary skill in the art to combine the teachings of Shirai and Kaite to produce the results of the

present claimed invention.

MPEP § 2142 states that "[w]hen the motivation to combine the teachings of the references is not immediately apparent, it is the duty of the examiner to explain why the combination of the teachings is proper." The Examiner is required to present actual evidence and make particular findings related to the motivation to combine the teachings of the references. In re Kotzab, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000); In re Dembiczak, 50 USPQ2d 1614, 1617 (Fed. Cir. 1999). Broad conclusory statements regarding the teaching of multiple references, standing alone, are not "evidence." Dembiczak, 50 USPQ2d at 1617. "The factual inquiry whether to combine the references must be thorough and searching." In re Lee, 61 USPQ2d 1430, 1433 (Fed. Cir. 2002) (citing McGinley v. Franklin Sports, Inc., 60 USPQ2d 1001, 1008 (Fed. Cir. 2001)). The factual inquiry must be based on objective evidence of record, and cannot be based on subjective belief and unknown authority. Id. at 1433-34. The Examiner must explain the reasons that one of ordinary skill in the art would have been motivated to select the references and to combine them to render the claimed invention obvious. In re Rouffet, 47 USPQ2d 1453, 1459 (Fed. Cir. 1998).

The Examiner has not presented any evidence why Kaite and Shirai would have been combined. The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. MPEP § 2143.01. Specifically, there must be a suggestion or motivation in the references to make the combination or modification. Id. The Examiner's sole support for such a combination is that *"it would have been obvious...to design the Kaite system with a terminal member, which is moveable by an elastic member so the charging apparatus is only turned on with the proper device and does not erroneously waste charging current on any metal object that comes into contact with the charger"* (emphasis added). The Examiner cannot rely on the benefit of the combination without first supporting the motivation to make the combination. Such motivation does not appear anywhere in either of the references, and the Examiner has not presented any actual evidence in support of the same. Instead, the Examiner relies on *broad conclusory statements, subjective belief, and unknown authority*. Such a basis does not adequately support the combination of references; therefore, the combination is improper and must be withdrawn.

Dependent claims 2-3, 6, 9, 12, 16-20, and 27 (depending, either directly or indirectly, from claim 1) recite patentably distinguishing features of their own, and further, are at least patentably distinguishing due to their dependencies from independent claim 1. For example, in contrast to Kaite and Shirai, dependent claim 2 provides, "elastic member interposed between the terminal member and the charger." As mentioned above, the terminal member 78 of Shirai

is not an elastic member so it would not have been obvious to a person of ordinary skill in the art to combine the teachings of Kaite and Shirai to teach the features as recited in claim 2 of the present invention.

In view of the above, it is respectfully submitted that the rejection is overcome.

III. REJECTION OF CLAIMS 4, 5, 7, 8, 10, 11, 13-15, 21-26, AND 28 UNDER 35 U.S.C. § 103(A) AS BEING UNPATENTABLE OVER KAITE IN VIEW OF PARK, FERNANDEZ, OR OSAWA

The comments in section II above also apply here. Moreover, dependent claims 4, 5, 7, 8, 10, 11, 13-15, 21-26, and 28 (depending, either directly or indirectly, from claim 1) recite patentably distinguishing features of their own, and further, are at least patentably distinguishing due to their dependencies from independent claim 1.

In view of the above, it is respectfully submitted that the rejection is overcome.

IV. CONCLUSION

In view of the foregoing remarks, it is respectfully submitted that each of the claims patentably distinguishes over the prior art, and therefore defines allowable subject matter. A prompt and favorable reconsideration of the rejection along with an indication of allowability of all pending claims are therefore respectfully requested.

If there are any additional fees associated with filing of this Response, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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